

Instructions to Federal Agencies for EEO MD-715

Section I

The Model EEO Program

The Model EEO Program

This section explains the basic elements necessary to create and maintain a model EEO program, as required under both Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e *et seq.*, and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 *et seq.* A model EEO program effectively considers and addresses concerns arising under both Title VII and Section 501 of the Rehabilitation Act.

When establishing a model EEO program, an agency should incorporate into the design a structure for effective management, accountability and self-analysis which will ensure program success and compliance with EEO MD-715. Agency personnel programs and policies should be evaluated regularly to ascertain whether such programs have any barriers that tend to limit or restrict equitable opportunities for open competition in the workplace.

EEO MD-715 divides the essential elements of model agency EEO programs into six broad categories, as listed below. An agency should review its EEO and personnel programs, policies and performance standards against all six elements to identify where their EEO program can become more effective.

The six essential elements for a model EEO program, as described in EEO-MD-715, at PART A, II. A-F, and PART B, III. A-F, are as follows:

- Demonstrated commitment from agency leadership;
- Integration of EEO into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

These six elements serve as the foundation upon which each agency shall build its program. The following describes each essential element and provides samples of the self-assessment inquiries that an agency should employ to determine whether its EEO program is properly established and compliant with the EEO MD-715 standards. Following the discussion of the Model EEO Program elements are instructions and a self-assessment checklist that all agencies will use to assess compliance with the elements of the model program.

Element One - Demonstrated Commitment

Start with an Effective EEO Program Policy Statement(s)⁽¹⁾

A committed agency/facility/installation head will, at the beginning of her/his tenure, and each year thereafter, issue a signed policy statement declaring the agency's position against discrimination on any protected basis.

This policy shall be prominently posted in all personnel offices, EEO offices, and on the agency's internal website.

This statement shall affirm the principles of equal employment opportunity and assure that EEO program requirements will be enforced by the agency head and agency management.

Some of the principles the policy statement must assure will be upheld include, but are not limited to:

- Equal employment opportunity for all employees and applicants for employment, regardless of their race, religion, color, sex, national origin, age, or disability.
- All employees will have the freedom to compete on a fair and level playing field with equal opportunity for competition.
- Equal employment opportunity covers all personnel/employment programs, management practices and decisions including, but not limited to, recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation.
- Workplace harassment will not be tolerated, allegations of harassment will be immediately investigated, and, where allegations are substantiated, appropriate action will be taken. (Anti-harassment policy requirements are discussed under Element Four. Agencies may choose to include all issues under one policy or issue a separate anti-harassment policy, based on their needs.)
- Reprisal against one who engaged in protected activity will not be tolerated, and the agency supports the rights of all employees to exercise their rights under the civil rights statutes.

Allocate Sufficient Resources

An agency shall provide sufficient staffing and resources to operate the EEO program in an effective manner. For example, staff and resources should also be sufficient to enable accurate collection and analysis of data and other employment factors, including applicant information, to enable the efficient identification of barriers. This will necessarily require staff beyond the EEO office, particularly Information Management/Services.

An agency must also provide sufficient staffing, funding, and authority to eliminate identified barriers. In order to determine whether it is providing sufficient resources an agency should examine a number of factors, including:

- whether the agency employs personnel with the training and experience to conduct the analyses required by MD-715 and these instructions;
- whether the agency's EEO staff has the knowledge, skills and ability to ensure that agency EEO programs and procedures are effectively implemented;
- whether the agency has implemented adequate data collection and analysis systems that permit tracking of the information required by MD-715 and these instructions;

- whether sufficient resources have been provided to conduct effective audits of field facilities' efforts to achieve a model EEO program and eliminate discrimination under Title VII and the Rehabilitation Act;
- whether EEO training and education programs are made available to all managers and employees;
- whether a central fund or other mechanisms have been established for providing disability accommodations;
- whether there is a Disability Program Manager or other mechanisms in place to ensure coordination of disability accommodations in all major components of the agency; and
- whether there are such Special Emphasis Program Managers as may be necessary (29 C.F.R. § 1614.102(b)(4)).

Ensure All Employees are Informed

An agency must ensure that EEO program information is distributed to all employees, using all media available, including the World Wide Web or Internet.

- The agency must ensure that each employee is informed of the agency's annual EEO program policy statements, as well as the requirements and prohibitions of Title VII and the Rehabilitation Act, and the operation of the EEO complaint process and procedures.
- Federal regulation requires that EEO posters and program information be prominently posted throughout the agency's facilities, and that complainants are advised, in writing, about the complaint process (29 C.F.R. § 1614.102(b)(5), (7)).
- Distribute the agency's reasonable accommodation procedures to all managers, supervisors, and others responsible for processing requests for reasonable accommodation, and make the procedures readily available to all other employees.
- Provide training to all employees and supervisors on the operation of the EEO process, protections afforded to employees, related policy statements, and reasonable accommodation procedures.

Demonstrate the value of EEO to the agency and employees.

- Seek input (*e.g.*, using employee surveys and focus groups, discussions with employee advisory groups, etc.) regarding the workplace environment.

Element Two - Making EEO an Integral Part of the Agency's Strategic Mission

Structure From The Top

The success of an agency's EEO program ultimately depends on individual decisions made by individual agency managers. Therefore, agency managers constitute an integral part of the agency's EEO program. The EEO office serves as a resource to these managers by providing direction, guidance and monitoring of key activities to achieve a diverse workplace free of barriers to equal opportunity. The agency's EEO program should be organized and structured in such a manner as to maintain a work place that is free from discrimination in any of its management policies, practices or procedures and supports the agency's strategic mission.

This necessarily includes an appropriate reporting structure, as previously mentioned. The agency's EEO Director shall have a regular and effective means of informing the agency head and other top management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program. Such access includes, but is not limited to, the State of the Agency briefing to be given to the head of the agency by the principal EEO Director/Officer following the submission of the agency's EEOC FORM 715-01. The briefing should thoroughly cover all components of the agency's EEOC FORM 715-01, including an assessment of the performance of the agency in each of the six elements of the Model EEO Program, as well as a report on the progress of the agency in completing its barrier analysis including any barriers it identified and/or eliminated or reduced the impact of. Pertinent information from workplace data tables may be presented as well.

Similarly, field level EEO Directors should have a regular and effective means of informing the field level agency head and other top field management officials of the effectiveness, efficiency and legal compliance of the field offices' EEO program. Again, such access includes, but is not limited to, the State of the Agency briefing to be given to the field level agency head by the principal EEO Director/Officer following the submission of the field's EEOC FORM 715-01 (whether such submission is made directly to the EEOC or to the agency's headquarters for inclusion in the agency-wide report).

The agency should maintain EEO program organizational charts and procedures which explain how sub-units/installations are to establish their own local programs and submit annual reports through the agency chain-of-command as described by this directive.

Strategic Commitment

Ensure that EEO Officials are involved in critical workplace decisions, have regular access to senior staff, and participate in meetings where critical personnel decisions regarding management and the deployment of Human Resources are made.

As previously mentioned, the allocation of sufficient resources to the EEO program cannot be over-emphasized. An agency must provide sufficient qualified staff and the resources to ensure quality customer service and a workplace free of discrimination to its employees. This includes the allocation of funding for mandatory EEO training of managers, supervisors and EEO staff.

Element Three - Ensuring Management and Program Accountability

Overall Accountability and EEO Programmatic Management

Hire, develop, and retain supervisors and managers who have effective managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications.

Inform managers and supervisors that success and a positive evaluation will include an assessment of how that manager contributes to the agency's EEO program by emphasizing to managers and supervisors that equality of opportunity is essential to attracting, developing and retaining the most qualified workforce,

with such a workforce being essential to ensuring the agency's achievement of its strategic mission.

- For all managers and supervisors, make successful performance contingent, in part, on efforts to achieve a workplace free of discrimination. Agencies should develop their own standards to incorporate into the mission of the agency as a whole.
- Where discrimination has been found by an adjudicatory body, the agency must ensure full and prompt compliance with orders accompanying such decisions. This includes orders from the agency itself, the EEOC, the Merit Systems Protection Board, labor arbitrators, the Federal Labor Relations Authority, the Department of Labor, and federal courts. Agencies must also comply with the terms of settlement agreements entered into by the agency.
- The agency should review findings of discrimination, and the evidence collected in the investigatory record in other suitable cases, to determine the appropriateness of taking disciplinary action against agency employees, (including management officials, supervisors and/or co-workers), involved in the matter.

Make clear that all managers and supervisors share responsibility with EEO program and human resources officials for the successful implementation of EEO programs.

- Provide managers and supervisors with initial and regular refresher training to understand their responsibilities under civil rights laws, including ADR, and how those responsibilities figure into the success of the agency's EEO program and overall mission.
- Conduct regular internal audits, on at least an annual basis, to assess the effectiveness and efficiency of the EEO program and to ascertain whether the agency has removed identified barriers to equality of opportunity in the workplace.

Ensure that personnel policies and procedures, rules of conduct, promotion, evaluation and training systems are routinely reviewed to ensure that they are clearly defined, well-communicated, consistently applied and fairly implemented. Ensure there are procedures in place for effective coordination between the agency's EEO office and related agency human resource programs and other management programs, such as the Federal Equal Opportunity Recruitment Program (FEORP), ADR, Employee Relations, and others.

Element Four - Proactive Prevention

As part of its ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and to eliminate barriers that impede free and open competition in the workplace, an agency must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups, and develop strategic plans to eliminate identified barriers.

As stated under Element One, an agency must develop and make known to all employees an effective anti-discrimination policy that explains what protections are afforded by the civil rights laws and how complaints may be raised, including the EEO process and other processes.

In addition to the anti-discrimination policy mentioned above, agencies should develop a comprehensive anti-harassment policy to prevent harassment on all

protected bases (including, but not limited to, sexual harassment) and retaliation in the workplace. The policy should:

- Inform employees as to what type of behavior is prohibited, and the steps to take if faced with a harassment situation.
- Provide for multiple avenues of redress, not just the EEO complaint process.
- Provide that no acts of retaliation will be tolerated.
- For further guidance, see *EEOC Enforcement Guidance: Vicarious Liability for Unlawful Harassment by Supervisors* (6/18/99); and *EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc.*, 510 U.S. 17 (1993) (3/8/94).

Pursuant to Executive Order 13164, as of July 25, 2001, all federal agencies were required to have developed written procedures for acting on requests for reasonable accommodation under the Rehabilitation Act. Agencies that remain noncompliant with this Executive Order must develop such procedures immediately and submit them to the Commission, which will offer feedback. The policy should be regularly evaluated for compliance with current law and regulations.⁽²⁾ An agency must ensure that all employees are informed of, and have access to, such procedures, including making the procedures available on the World Wide Web or Internet.

An effective reasonable accommodation procedure must include the following:

- An explanation as to how an employee or job applicant may initiate a request for reasonable accommodation.
- An explanation of how the agency will process a request for reasonable accommodation and from whom the individual requesting accommodation will receive a final decision.
- A designated time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances.
- An explanation of the responsibility of the employee or applicant requesting reasonable accommodation when the disability and/or need for accommodation is not obvious or already known to provide appropriate medical information, when requested, related to the functional impairment and the requested accommodation.
- An explanation of the circumstances under which the agency may request supplemental medical information in support of an accommodation request.
- An explanation of the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense.
- An explanation of the circumstances in which reassignment will be required as a reasonable accommodation if the agency determines that no reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position.
- A provision that denials of requests for reasonable accommodation will be in writing and specify the reasons for denial.
- A provision that the agency's systems of record-keeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulations.
- Encouragement of the use of informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation.
- Provisions for the effective dissemination of the written procedures and sufficient training.
- For further information, consult the *EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation* (10/20/00).

Element Five - Efficiency

The agency must evaluate its EEO complaint resolution process to ensure it is efficient, fair and impartial. Processing times should not exceed those provided for in 29 C.F.R. Part 1614.

- The agency's complaint process must provide for neutral adjudication; consequently, the agency's EEO office must be kept separate from the legal defense arm of the agency (*i.e.*, the Office of General Counsel) or other agency offices having conflicting or competing interests.
- Agencies must establish and make available an ADR program that facilitates an early, effective, neutral, efficient informal resolution of disputes. This enables disputants to potentially resolve disputes in a quick, amicable and cost effective manner.
- The agency should have a system for identifying, monitoring and reporting significant trends reflected by complaint processing activity. Analysis of data relating to the nature and disposition of EEO complaints can provide useful insight into the extent to which an agency is meeting its obligations under Title VII and the Rehabilitation Act.
- The agency should have a system for ensuring timely and complete compliance with EEOC orders, as well as the orders of other adjudicatory bodies, and implementation of the provisions of settlement/resolution agreements.

The agency must have in place adequate and accurate information collection systems, which are integrated into the agency's information management infrastructure, that will provide the ability to conduct a wide array of periodic examinations of the agency's Title VII and Section 501 workforce profile(s). Such systems will be used to collect data, and monitor and evaluate its EEO programs.

All agencies shall provide for the following:

- A data collection system that allows the agency to identify and evaluate information related to management actions affecting employment status. The system should be capable of tracking applicant flow data for each selection made by the agency identified by race, national origin, sex, and, where known, disability, as well as disposition of each application. 29 C.F.R. § 1607.
- A system capable of monitoring employment trends through review of personnel transactions and other historical data.
- A system capable of tracking recruitment efforts to permit data analyses of these efforts.

The system shall allow integration of comprehensive management, personnel, and budget planning with Title VII and Rehabilitation Act program planning.

All agencies shall also provide for a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed at each stage of the EEO complaint process, the issues and the bases of the complaints, the aggrieved individuals, the involved management officials and other information necessary to analyze complaint activity to identify trends.

All agencies must be mindful of the provisions of the Privacy Act of 1974, 5 U.S.C. § 552a, as amended, which regulate the collection, maintenance, use and dissemination of personal information by federal executive branch agencies. All agencies must balance the need to maintain information about individuals (such as aggrieved individuals and involved management officials) with the rights of such individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use and disclosure of personal information about them. Accordingly, agency data collecting systems and

complaint tracking and monitoring systems must be devised and implemented in a manner which complies with the Privacy Act. As always, agencies should guard against unwarranted disclosure of this information and ensure that appropriate protective measures exist to safeguard the information. Agencies are encouraged to consult with EEOC to learn which federal agencies have best practices that can be used as a model.

Element Six - Responsiveness and Legal Compliance

The head of the agency or agency head designee shall certify to the EEOC that the agency is in full compliance with the EEO laws and EEOC regulations, policy guidance, and other written instructions. This annual certification will be provided on EEOC FORM 715-01 PART F.

All agencies shall report their EEO program efforts and accomplishments to the EEOC and respond to EEOC directives and orders, including final orders contained in administrative decisions, in accordance with instructions, time frames and deadlines.

All agencies shall similarly comply with orders and directives of other adjudicatory bodies with concurrent jurisdiction over the EEO laws.

The following instructions explain the purpose of and how to fill out the self-assessment checklist.

Agency Self-Assessment Checklist

Purpose of the Self-Assessment Checklist

The following Self-Assessment Checklist is designed to provide an efficient and effective means for each federal agency to determine whether its overall EEO program is properly established and compliant with the essential elements (standards) set forth in EEO MD-715.

The Self-Assessment Checklist is intended to guide an agency through each essential element and is aimed at promoting compliance, quality, and timeliness in all facets of the agency's overall EEO program. While not the only method of assessment, using this checklist will assist the agency in identifying trends and/or issues for making informed decisions on topics where the agency needs to provide more attention. Use of the checklist also permits certification that the agency has conducted the required annual self-assessment (see PART F of EEOC FORM 715-01).

The Self-Assessment Checklist also is included as PART G of EEOC FORM 715-01. Although submission of PART G of EEOC FORM 715-01 is optional, agencies must nevertheless perform the mandatory self-assessment by completing the Checklist. Agencies also are responsible for maintaining such supporting documentation and data relative to the establishment of a model EEO program, regardless of whether they opt to submit PART G of EEOC FORM 715-01. All agencies must retain the Checklist and supporting documentation and make it available upon request by the EEOC. Such

documentation should not be submitted with EEOC FORM 715-01 even if the agency opts to submit PART G.

Whether or not an agency chooses to submit PART G of FORM 715-01, every agency is still required to develop plans for addressing "no" responses from the checklist. Agencies required to submit PART H of FORM 715-01 (see the chart on page three of Section III) must submit a PART H for each problem (or cluster of problems) that the agency has identified for correction or improvement.

Finally, if an agency submits its Self-Assessment Checklist as PART G and highlights the best practices it utilizes, the Commission may share those practices with the EEO community as a whole.

Set-up of the Self-Assessment Checklist

For each essential element, the checklist provides a series of "indicator" statements which are followed by another series of questions (measures) that will assist the agency in determining whether its EEO program(s) are properly established.

To the right of the measures, there are three columns. The first two columns are provided for the agency to indicate "yes" or "no" as to whether the measure has or has not been met. The third column provides space for the agency to indicate any appropriate comments.

How to use the Self-Assessment Checklist




Where "no" responses to questions are noted, the agency should explore for identification of program weaknesses or deficiencies. The results of each such exploration are reported on the EEO Plan For Obtaining the Essential Elements of a Model EEO Program, EEOC FORM 715-01 PART H.




Not all identified potential problems will necessarily require development of an EEOC FORM 715-01 PART H.

For example, if an agency head was only recently installed (i.e., within the last 2 months), a "no" response to the compliance indicator - "EEO Policy statements are up-to-date" - the agency should use the space provided in the far right column of FORM 715-01 PART G, to report when the policy statement will be issued by the new agency head.

There may also be instances where an agency's "no" response actually is intended to indicate "not applicable." In such instances, the agency will check the "no" column but indicate "not applicable" in the comment column and provide a succinct explanation. For example, some of the smaller, volunteer-service agencies, such as The Peace Corps and The Corporation for National and Community Service, have over 75% of their workforces employed in temporary jobs. For these agencies, career development/training opportunities and competitive promotion programs are not provided to the extent that most other federal agencies provide such opportunities and programs. Similarly, for such agencies permanent appointments are almost non-existent, and thus the opportunity to convert an employee with a targeted disability from a "Schedule A" temporary appointment to a permanent appointment is very limited.




U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT
AGENCY SELF-ASSESSMENT CHECKLIST MEASURING ESSENTIAL ELEMENTS



Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP Requires the agency head to issue written policy statements ensuring a workplace free of discriminatory harassment and a commitment to equal employment opportunity.				
 Compliance Indicator	EEO policy statements are up-to-date.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
The Agency Head was installed on _____. The EEO policy statement was issued on _____. Was the EEO policy Statement issued within 6 - 9 months of the installation of the Agency Head? If no, provide an explanation.				
During the current Agency Head's tenure, has the EEO policy Statement been re-issued annually? If no, provide an explanation.				
Are new employees provided a copy of the EEO policy statement during orientation?				
When an employee is promoted into the supervisory ranks, is s/he provided a copy of the EEO policy statement?				
 Compliance Indicator	EEO policy statements have been communicated to all employees.	Measure has been met		For all unmet measures, provide a




 Measure s		Yes	No	brief explanation in the space below or complete and attach an EEOC FORM 715- 01 PART H to the agency's status report
Have the heads of subordinate reporting components communicated support of all agency EEO policies through the ranks?				
Has the agency made written materials available to all employees and applicants, informing them of the variety of EEO programs and administrative and judicial remedial procedures available to them?				
Has the agency prominently posted such written materials in all personnel offices, EEO offices, and on the agency's internal website? [see 29 CFR §1614.102(b)(5)]				
 Compliance Indicator	Agency EEO policy is vigorously enforced by agency management.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715- 01 PART H to the agency's status report
 Measure s		Yes	No	
Are managers and supervisors evaluated on their commitment to agency EEO policies and principles, including their efforts to:				
resolve problems/disagreements and other conflicts in their respective work environments as they arise?				
address concerns, whether perceived or real, raised by				

employees and following-up with appropriate action to correct or eliminate tension in the workplace?			
support the agency's EEO program through allocation of mission personnel to participate in community out-reach and recruitment programs with private employers, public schools and universities?			
ensure full cooperation of employees under his/her supervision with EEO office officials such as EEO Counselors, EEO Investigators, etc.?			
ensure a workplace that is free from all forms of discrimination, harassment and retaliation?			
ensure that subordinate supervisors have effective managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications ?			
ensure the provision of requested religious accommodations when such accommodations do not cause an undue hardship?			
ensure the provision of requested disability accommodations to qualified individuals with disabilities when such accommodations do not cause an undue hardship?			
Have all employees been informed about what behaviors are inappropriate in the workplace and that this behavior may result in disciplinary actions?			
Describe what means were utilized by the agency to so inform its workforce about the penalties for unacceptable behavior.			
Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedures available on the World Wide Web or Internet?			
Have managers and supervisor been trained on their responsibilities under the procedures for reasonable accommodation?			
Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION Requires that the agency's EEO programs be organized and structured to maintain a			





workplace that is free from discrimination in any of the agency's policies, procedures or practices and supports the agency's strategic mission.



 Compliance Indicator		Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s	The reporting structure for the EEO Program provides the Principal EEO Official with appropriate authority and resources to effectively carry out a successful EEO Program.	Yes	No	
	Is the EEO Director under the direct supervision of the agency head? [see 29 CFR §1614.102(b)(4)] For subordinate level reporting components, is the EEO Director/Officer under the immediate supervision of the lower level component's head official? (For example, does the Regional EEO Officer report to the Regional Administrator?)			
	Are the duties and responsibilities of EEO officials clearly defined?			
	Do the EEO officials have the knowledge, skills, and abilities to carry out the duties and responsibilities of their positions?			
	If the agency has 2 nd level reporting components, are there organizational charts that clearly define the reporting structure for EEO programs?			
	If the agency has 2 nd level reporting components, does the agency-wide EEO Director have authority for the EEO programs within the subordinate reporting components?			
	If not, please describe how EEO program authority is delegated to subordinate reporting components.			
 Compliance Indicator	The EEO Director and other EEO professional staff responsible for EEO programs have regular and effective means of informing the agency head	Measure has been met		For all unmet measures, provide a brief

 Measure s	and senior management officials of the status of EEO programs and are involved in, and consulted on, management/personnel actions.	Yes	No	explanation in the space below or complete and attach an EEOC FORM 715- 01 PART H to the agency's status report
Does the EEO Director/Officer have a regular and effective means of informing the agency head and other top management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program?				
Following the submission of the immediately preceding FORM 715-01, did the EEO Director/Officer present to the head of the agency and other senior officials the "State of the Agency" briefing covering all components of the EEO report, including an assessment of the performance of the agency in each of the six elements of the Model EEO Program and a report on the progress of the agency in completing its barrier analysis including any barriers it identified and/or eliminated or reduced the impact of?				
Are EEO program officials present during agency deliberations prior to decisions regarding recruitment strategies, vacancy projections, succession planning, selections for training/career development opportunities, and other workforce changes?				
Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions such as re-organizations and re-alignments?				
Are management/personnel policies, procedures and practices examined at regular intervals to assess whether there are hidden impediments to the realization of equality of opportunity for any group(s) of employees or applicants? [see 29 C.F.R. § 1614.102(b)(3)]				
Is the EEO Director included in the agency's strategic planning, especially the agency's human capital plan, regarding succession planning, training, etc., to ensure that EEO concerns are integrated into the agency's strategic mission?				
 Compliance Indicator	The agency has committed sufficient human resources and budget allocations to its EEO programs to	Measure has been		For all unmet measures, provide a

		met		brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s	ensure successful operation.	Yes	No	
Does the EEO Director have the authority and funding to ensure implementation of agency EEO action plans to improve EEO program efficiency and/or eliminate identified barriers to the realization of equality of opportunity?				
Are sufficient personnel resources allocated to the EEO Program to ensure that agency self-assessments and self-analyses prescribed by EEO MD-715 are conducted annually and to maintain an effective complaint processing system?				
Are statutory/regulatory EEO related Special Emphasis Programs sufficiently staffed?				
Federal Women's Program - 5 U.S.C. 7201; 38 U.S.C. 4214; Title 5 CFR, Subpart B, 720.204				
Hispanic Employment Program - Title 5 CFR, Subpart B, 720.204				
People With Disabilities Program Manager; Selective Placement Program for Individuals With Disabilities - Section 501 of the Rehabilitation Act; Title 5 U.S.C. Subpart B, Chapter 31, Subchapter I-3102; 5 CFR 213.3102(t) and (u); 5 CFR 315.709				
Are other agency special emphasis programs monitored by the EEO Office for coordination and compliance with EEO guidelines and principles, such as FEORP - 5 CFR 720; Veterans Employment Programs; and Black/African American; American Indian/Alaska Native, Asian American/Pacific Islander programs?				
 Compliance Indicator	The agency has committed sufficient budget to support the success of its EEO Programs.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete
 Measure s		Yes	No	



				and attach an EEOC FORM 715- 01 PART H to the agency's status report
Are there sufficient resources to enable the agency to conduct a thorough barrier analysis of its workforce, including the provision of adequate data collection and tracking systems				
Is there sufficient budget allocated to all employees to utilize, when desired, all EEO programs, including the complaint processing program and ADR, and to make a request for reasonable accommodation? (Including subordinate level reporting components?)				
Has funding been secured for publication and distribution of EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures, etc.)?				
Is there a central fund or other mechanism for funding supplies, equipment and services necessary to provide disability accommodations?				
Does the agency fund major renovation projects to ensure timely compliance with Uniform Federal Accessibility Standards?				
Is the EEO Program allocated sufficient resources to train all employees on EEO Programs, including administrative and judicial remedial procedures available to employees?				
Is there sufficient funding to ensure the prominent posting of written materials in all personnel and EEO offices? [see 29 C.F.R. § 1614.102(b)(5)]				
Is there sufficient funding to ensure that all employees have access to this training and information?				
Is there sufficient funding to provide all managers and supervisors with training and periodic up-dates on their EEO responsibilities:				
for ensuring a workplace that is free from all forms of discrimination, including harassment and retaliation?				
to provide religious accommodations?				
to provide disability accommodations in accordance with the agency's written procedures?				





in the EEO discrimination complaint process?				
to participate in ADR?				
Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY This element requires the Agency Head to hold all managers, supervisors, and EEO Officials responsible for the effective implementation of the agency's EEO Program and Plan.				
 Compliance Indicator	EEO program officials advise and provide appropriate assistance to managers/supervisors about the status of EEO programs within each manager's or supervisor's area or responsibility.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Are regular (monthly/quarterly/semi-annually) EEO updates provided to management/supervisory officials by EEO program officials?				
Do EEO program officials coordinate the development and implementation of EEO Plans with all appropriate agency managers to include Agency Counsel, Human Resource Officials, Finance, and the Chief information Officer?				
 Compliance Indicator	The Human Resources Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures are in conformity with instructions contained in EEOC management directives. [see 29 CFR § 1614.102(b)(3)]	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Have time-tables or schedules been established for the agency to review its Merit Promotion Program Policy and Procedures for systemic barriers that may be impeding full				



participation in promotion opportunities by all groups?				
Have time-tables or schedules been established for the agency to review its Employee Recognition Awards Program and Procedures for systemic barriers that may be impeding full participation in the program by all groups?				
Have time-tables or schedules been established for the agency to review its Employee Development/Training Programs for systemic barriers that may be impeding full participation in training opportunities by all groups?				
 Compliance Indicator	When findings of discrimination are made, the agency explores whether or not disciplinary actions should be taken.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Does the agency have a disciplinary policy and/or a table of penalties that covers employees found to have committed discrimination?				
Have all employees, supervisors, and managers been informed as to the penalties for being found to perpetrate discriminatory behavior or for taking personnel actions based upon a prohibited basis?				
Has the agency, when appropriate, disciplined or sanctioned managers/supervisors or employees found to have discriminated over the past two years?				
If so, cite number found to have discriminated and list penalty /disciplinary action for each type of violation.				
Does the agency promptly (within the established time frame) comply with EEOC, Merit Systems Protection Board, Federal Labor Relations Authority, labor arbitrators, and District Court orders?				
Does the agency review disability accommodation decisions/actions to ensure compliance with its written procedures and analyze the information tracked for trends, problems, etc.?				



Essential Element D: PROACTIVE PREVENTION





Requires that the agency head makes early efforts to prevent discriminatory actions and eliminate barriers to equal employment opportunity in the workplace.



 Compliance Indicator		Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	
 Measure s	Analyses to identify and remove unnecessary barriers to employment are conducted throughout the year.			
	Do senior managers meet with and assist the EEO Director and/or other EEO Program Officials in the identification of barriers that may be impeding the realization of equal employment opportunity?			
	When barriers are identified, do senior managers develop and implement, with the assistance of the agency EEO office, agency EEO Action Plans to eliminate said barriers?			
	Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans?			
	Are trend analyses of workforce profiles conducted by race, national origin, sex and disability?			
	Are trend analyses of the workforce's major occupations conducted by race, national origin, sex and disability?			
	Are trends analyses of the workforce's grade level distribution conducted by race, national origin, sex and disability?			
	Are trend analyses of the workforce's compensation and reward system conducted by race, national origin, sex and disability?			
	Are trend analyses of the effects of management/personnel policies, procedures and practices conducted by race, national origin, sex and disability?			

 Compliance Indicator	The use of Alternative Dispute Resolution (ADR) is encouraged by senior management.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Are all employees encouraged to use ADR?				
Is the participation of supervisors and managers in the ADR process required?				
Essential Element E: EFFICIENCY Requires that the agency head ensure that there are effective systems in place for evaluating the impact and effectiveness of the agency's EEO Programs as well as an efficient and fair dispute resolution process.				
 Compliance Indicator	The agency has sufficient staffing, funding, and authority to achieve the elimination of identified barriers.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Does the EEO Office employ personnel with adequate training and experience to conduct the analyses required by MD-715 and these instructions?				
Has the agency implemented an adequate data collection and analysis systems that permit tracking of the information required by MD-715 and these instructions?				

Have sufficient resources been provided to conduct effective audits of field facilities' efforts to achieve a model EEO program and eliminate discrimination under Title VII and the Rehabilitation Act?				
Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations in all major components of the agency?				
Are 90% of accommodation requests processed within the time frame set forth in the agency procedures for reasonable accommodation?				
 Compliance Indicator	The agency has an effective complaint tracking and monitoring system in place to increase the effectiveness of the agency's EEO Programs.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Does the agency use a complaint tracking and monitoring system that allows identification of the location, and status of complaints and length of time elapsed at each stage of the agency's complaint resolution process?				
Does the agency's tracking system identify the issues and bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information to analyze complaint activity and trends?				
Does the agency hold contractors accountable for delay in counseling and investigation processing times?				
If yes, briefly describe how:				
Does the agency monitor and ensure that new investigators, counselors, including contract and collateral duty investigators, receive the 32 hours of training required in accordance with EEO Management Directive MD-110?				





Does the agency monitor and ensure that experienced counselors, investigators, including contract and collateral duty investigators, receive the 8 hours of refresher training required on an annual basis in accordance with EEO Management Directive MD-110?				
 Compliance Indicator	The agency has sufficient staffing, funding and authority to comply with the time frames in accordance with the EEOC (29 C.F.R. Part 1614) regulations for processing EEO complaints of employment discrimination.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Are benchmarks in place that compare the agency's discrimination complaint processes with 29 C.F.R. Part 1614?				
Does the agency provide timely EEO counseling within 30 days of the initial request or within an agreed upon extension in writing, up to 60 days?				
Does the agency provide an aggrieved person with written notification of his/her rights and responsibilities in the EEO process in a timely fashion?				
Does the agency complete the investigations within the applicable prescribed time frame?				
When a complainant requests a final agency decision, does the agency issue the decision within 60 days of the request?				
When a complainant requests a hearing, does the agency immediately upon receipt of the request from the EEOC AJ forward the investigative file to the EEOC Hearing Office?				
When a settlement agreement is entered into, does the agency timely complete any obligations provided for in such agreements?				
Does the agency ensure timely compliance with EEOC AJ decisions which are not the subject of an appeal by the agency?				



 Compliance Indicator		Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s	There is an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of the agency's EEO complaint processing program.	Yes	No	
In accordance with 29 C.F.R. §1614.102(b), has the agency established an ADR Program during the pre-complaint and formal complaint stages of the EEO process?				
Does the agency require all managers and supervisors to receive ADR training in accordance with EEOC (29 C.F.R. Part 1614) regulations, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR?				
After the agency has offered ADR and the complainant has elected to participate in ADR, are the managers required to participate?				
Does the responsible management official directly involved in the dispute have settlement authority?				
 Compliance Indicator		Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s	The agency has effective systems in place for maintaining and evaluating the impact and effectiveness of its EEO programs.	Yes	No	
Does the agency have a system of management controls in place to ensure the timely, accurate, complete and consistent reporting of EEO complaint data to the EEOC?				

Does the agency provide reasonable resources for the EEO complaint process to ensure efficient and successful operation in accordance with 29 C.F.R. § 1614.102(a)(1)?				
Does the agency EEO office have management controls in place to monitor and ensure that the data received from Human Resources is accurate, timely received, and contains all the required data elements for submitting annual reports to the EEOC?				
Do the agency's EEO programs address all of the laws enforced by the EEOC?				
Does the agency identify and monitor significant trends in complaint processing to determine whether the agency is meeting its obligations under Title VII and the Rehabilitation Act?				
Does the agency track recruitment efforts and analyze efforts to identify potential barriers in accordance with MD-715 standards?				
Does the agency consult with other agencies of similar size on the effectiveness of their EEO programs to identify best practices and share ideas?				
 Compliance Indicator	<p align="center">The agency ensures that the investigation and adjudication function of its complaint resolution process are separate from its legal defense arm of agency or other offices with conflicting or competing interests.</p>	Measure has been met		<p>For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report</p>
 Measure s		Yes	No	
Are legal sufficiency reviews of EEO matters handled by a functional unit that is separate and apart from the unit which handles agency representation in EEO complaints?				
Does the agency discrimination complaint process ensure a neutral adjudication function?				
If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints?				

Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE

This element requires that federal agencies are in full compliance with EEO statutes and EEOC regulations, policy guidance, and other written instructions.

 Compliance Indicator		Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
	Agency personnel are accountable for timely compliance with orders issued by EEOC Administrative Judges.			
	Does the agency have a system of management control to ensure that agency officials timely comply with any orders or directives issued by EEOC Administrative Judges?			
 Compliance Indicator		Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s	The agency's system of management controls ensures that the agency timely completes all ordered corrective action and submits its compliance report to EEOC within 30 days of such completion.	Yes	No	
Does the agency have control over the payroll processing function of the agency? If Yes, answer the two questions below.				
Are there steps in place to guarantee responsive, timely, and predictable processing of ordered monetary				

relief?				
Are procedures in place to promptly process other forms of ordered relief?				
 Compliance Indicator	Agency personnel are accountable for the timely completion of actions required to comply with orders of EEOC.	Measure has been met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measure s		Yes	No	
Is compliance with EEOC orders encompassed in the performance standards of any agency employees?				
If so, please identify the employees by title in the comments section, and state how performance is measured.				
Is the unit charged with the responsibility for compliance with EEOC orders located in the EEO office?				
If not, please identify the unit in which it is located, the number of employees in the unit, and their grade levels in the comments section.				
Have the involved employees received any formal training in EEO compliance?				
Does the agency promptly provide to the EEOC the following documentation for completing compliance:				
Attorney Fees: Copy of check issued for attorney fees and /or a narrative statement by an appropriate agency official, or agency payment order dating the dollar amount of attorney fees paid?				
Awards: A narrative statement by an appropriate agency official stating the dollar amount and the criteria used to calculate the award?				

Back Pay and Interest: Computer print-outs or payroll documents outlining gross back pay and interest, copy of any checks issued, narrative statement by an appropriate agency official of total monies paid?			
Compensatory Damages: The final agency decision and evidence of payment, if made?			
Training: Attendance roster at training session(s) or a narrative statement by an appropriate agency official confirming that specific persons or groups of persons attended training on a date certain?			
Personnel Actions (e.g., Reinstatement, Promotion, Hiring, Reassignment): Copies of SF-50s			
Posting of Notice of Violation: Original signed and dated notice reflecting the dates that the notice was posted. A copy of the notice will suffice if the original is not available.			
Supplemental Investigation: 1. Copy of letter to complainant acknowledging receipt from EEOC of remanded case. 2. Copy of letter to complainant transmitting the Report of Investigation (not the ROI itself unless specified). 3. Copy of request for a hearing (complainant's request or agency's transmittal letter).			
Final Agency Decision (FAD): FAD or copy of the complainant's request for a hearing.			
Restoration of Leave: Print-out or statement identifying the amount of leave restored, if applicable. If not, an explanation or statement.			
Civil Actions: A complete copy of the civil action complaint demonstrating same issues raised as in compliance matter.			
Settlement Agreements: Signed and dated agreement with specific dollar amounts, if applicable. Also, appropriate documentation of relief is provided.			

Footnotes:

1. See 29 C.F.R. § 1614.102.

2. When an agency makes modifications to its procedures, the procedures must be resubmitted to the Commission. See *EEOC Policy Guidance on Executive Order 13164*:

Establishing Procedures to Facilitate the Provision of Reasonable Accommodation
(10/20/00), Question 28.

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